



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. :	10/607,433	)	CERTIFICATE OF MAILING
Applicant :	John C. Falligant et al.	)	I hereby certify that this correspondence is
Filed :	06/26/2003	)	being deposited with the United States
Title :	Keyed Anesthetic	)	Postal Service with sufficient postage as
	Vaporizer Filling	)	first class mail in an envelope addressed to:
	System	)	Commissioner of Patents, P.O. Box 1450,
TC/A.U. :	3751	)	Alexandria, VA 22313-1450, on this 27 th
Examiner :	Jacyna, J. Casimer	)	day of April, 2004.
)	
Docket No. :	3848-00771	)	<i>Veronica K. Haupt</i> 4-27-04
		)	Veronica K. Haupt Date

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

BOX: FEE
COMMISSIONER FOR PATENTS
Washington, D.C. 20231

04/30/2004 STEUMEL1 00000038 10607433

03 FC:1814

110.00 OP

Sir:

The owner, DATEX-OHMEDA, INC., a corporation organized under the laws of the State of Wisconsin, and located and doing business at Ohmeda Drive, P.O. Box 7550, Madison, Wisconsin 53707-7550, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent 6,585,016. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantees, their successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally

Application No. 10/607,433
Amendment Dated April 27, 2004
Reply to Office Action of January 29, 2004

disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The \$110.00 fee for filing this Terminal Disclaimer is enclosed.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By: 
Joseph D. Kuborn - Reg. No. 40,689

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, St. 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No. 3848-00771